

ATTORNEY DOCKET NO.: FI-CFP00414

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
CHUN TE YU

Serial No.: 10/671,659

Filed: SEPTEMBER 29, 2003

For: PADLOCK

Group Art Unit: 3676

Examiner: GALL, LLOYD A



25864

PATENT TRADE MARK OFFICE

**FAX RECEIVED**

DEC 14 2005

**OFFICE OF PETITIONS**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO CLAIM BENEFIT OF A PRIOR PROVISIONAL PATENT  
APPLICATION UNDER § 35 U.S.C. 119(e)

Applicant hereby petition this non-provisional patent application claiming the benefit of a prior U.S. provisional patent application. The prior U.S. provisional patent application is as follows:

Title: "DIAL LOCK WITH IMPROVED COMBINATION RESET"

Application Number: 60/443,331

Filed: January 29, 2003

Inventor: Cory O. Nykoluk (St. Louis, Missouri)

Assignor: Cory Nykoluk

Assignees: Cerf Bros. Bag Co.;  
Fullyear-Brother Enterprise Co., Ltd.; and  
Chun Te Yu

Reel/Frame: 016359/0941

12/21/2005 TBESHAH1 00000020 10671659

01 FC:1454 Fullyear 10/29/03 1370-00.00 Petition to Claim Priority Docetcl.wpd

1

The applicant hereby petition to claim benefit of a prior provisional patent application under § 35 U.S.C. 119(e):

1. Petition Fee (37 C.F.R. 1.17(t))

☐ Attached is a check in the sum of:

☒ Charge account 500314 for any additional fees required or credit for any excess fee paid.

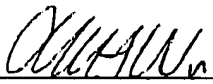
☐ Charge fee to Account No. 500314 and this is a request to charge for any additional extension and/or fee required or credit for any excess fee paid. A duplicate of this petition is attached.

☒ Form PTO-2038 (Credit Card Payment Form) enclosed for \$1,370.

2. The supporting declarations of Mr. Chun Te Yu, inventor and applicant, and Mr. Cory Nykoluk are attached hereto.

Respectfully submitted, ~

Date: December 14, 2005

  
\_\_\_\_\_  
Charles C.H. Wu  
Reg. No. 39,081  
Attorney for Applicant

LAW OFFICES OF WU & CHEUNG, L.L.P.  
98 Discovery  
Irvine, California 92618-3105  
Tel: (949) 251-0111  
Fax: (949) 251-1588  
Email: cchwu@wclawyers.com

Enclosures:

Fee payment; and  
Declarations of Mr. Chun Te Yu and Mr. Cory Nykoluk

DECLARATION OF CHUN TE YU

I, Chun Te Yu, declare:

1. I am a Taiwanese citizen over the age of 18 and if called as a witness, I could and would competently testify thereto.

2. I am the president for Fullyear-Brother Enterprise Co. Ltd., an assignee of this patent application.

3. That the entire delay in claiming the benefit of a prior provisional patent application was unintentional for the following reasons.

4. I am a co-inventor for an invention depicted in the 60/443,331 U.S. provisional patent application. Hereinafter, the "'331 Provisional Patent Application." Specifically, the concept of the gapped button mounted on the lock was invented by me.

5. The applicant for the '331 Provisional Patent Application was Mr. Cory Nykoluk.

6. My company Fullyear-Brother Enterprise Co., Ltd. and I had an agreement with Mr. Cory Nykoluk that he would name me as a co-inventor for the '331 Provisional Patent Application.

7. I recently found out that Mr. Nykoluk inadvertently forgot to name me as a joint inventor for the 60/443,331 U.S. Provisional Patent Application.

8. After further discussion with Mr. Nykoluk and complying with my request and to remedy the situation, Mr. Nykoluk agreed to assign the '331 Provisional Patent Application to me, my company Fullyear-Brother Enterprise Co., Ltd. and his company Cerf Bros. Eng Co.

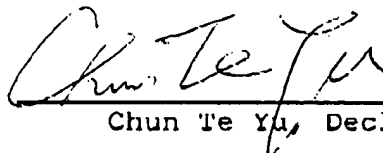
9. We proceeded to record the assignment. A true copy of the recorded '331 Provisional Patent Application Patent Assignment is attached hereto as **Exhibit "1."**

10. For the foregoing reasons, I respectfully request the Commissioner's favorable consideration in granting this petition.

These statements are made with the knowledge that willful false statement and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application and any registration resulting therefrom. The undersigned further declares that the facts set forth in this application are true; all statements made of his own

knowledge are true, and all statements made on information and belief are believed to be true.

Signed at Hsia-Nien Tsun, Fu-Hsing Hsiang, Changhu, Taiwan,  
this 1 day of December, 2005.

A handwritten signature in cursive script, appearing to read 'Chun Te Yu', is written over a horizontal line.

Chun Te Yu, Declarant

DECLARATION OF CORY NYKOLUK

I, Cory Nykoluk, declare:

1. I am a U.S. citizen over the age of 18 and if called as a witness, I could and would competently testify thereto.

2. That the entire delay in claiming the benefit of a prior provisional patent application was unintentional for the following reasons.

3. I am the original named sole inventor for an invention depicted in the 60/443,331 U.S. provisional patent application. Hereinafter, the "'331 Provisional Patent Application."

4. The part of the invention regarding the gapped button mounted on the lock was invented by Mr. Chun Te Yu.

5. Mr. Chun Te Yu and his company Fullyear-Brother Enterprise Co., Ltd. and I had an agreement that I would name Mr. Yu as a co-inventor for the '331 Provisional Patent Application.

6. I proceeded to file the '331 Provisional Patent Application and inadvertently forgot to name Mr. Yu as a joint inventor for the '331 U.S. Provisional Patent Application.

\*\*\*\*\*  
\*\*\* RX REPORT \*\*\*  
\*\*\*\*\*

RECEPTION OK

TX/RX NO	9542
RECIPIENT ADDRESS	9492511588
DESTINATION ID	
ST. TIME	12/14 21:06
TIME USE	01'54
PGS.	15
RESULT	OK

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0661-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

15

Application Number

10/671,659

Filing Date

SEPTEMBER 29, 2003

First Named Inventor

CHUN-TE YU

Art Unit

3676

Examiner Name

GAIL HLOYD A

Attorney Docket Number

EL CFP00414

**FAX RECEIVED****DEC 14 2005****OFFICE OF PETITIONS****ENCLOSURES (Check all that apply)**

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



(Certified Copy of Priority Document(s))

Reply to Missing Parts/  
Incomplete ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD

Remarks



After Allowance Communication to TC

Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



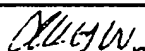
Status Letter

Other Enclosure(s) (please identify  
below):FORM PTO-2038  
(CREDIT CARD PAYMENT FORM)**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

WU &amp; CHEUNG, LLP

Signature



Printed name

CHARLES C. H. WU

Date

DECEMBER 14, 2005

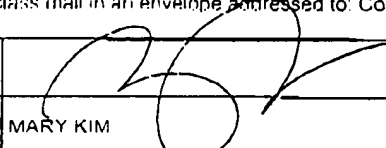
Reg. No.

39,081

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature:



Typed or printed name

MARY KIM

Date

DECEMBER 14, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



7. After further discussions with Mr. Yu, to remedy the situation, I agreed to assign the '331 Provisional Patent Application to Mr. Yu, his company Fullyear-Brother Enterprise Co., Ltd. and my company Cerf Bros. Bag Co.

8. We proceed to record the assignment. A true copy of the proceeded recorded '331 Provisional Patent Application Patent Assignment is attached hereto as **Exhibit "1."**

9. For the foregoing reasons, I respectfully request the Commissioner's favorable consideration in granting this petition.

These statements are made with the knowledge that willful false statement and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application and any registration resulting therefrom. The undersigned further declares that the facts set forth in this application are true; all statements made of his own knowledge are true, and all statements made on information and belief are believed to be true.

Signed at LATH CITY, Missouri this 1 day  
of DECEMBER, 2005.

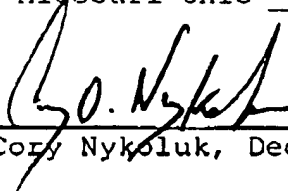
  
Cory Nykoluk, Declarant

EXHIBIT "1"



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

AUGUST 05, 2005

PTAS

**\*500043590A\***

**\*500043590A\***

CHARLES C.H. WU  
98 DISCOVERY  
IRVINE, CA 92618-3105

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES DIVISION, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 08/05/2005

REEL/FRAME: 016359/0941

NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

NYKOLUK, CORY

DOC DATE: 07/14/2005

ASSIGNEE:

CERF BROS. BAG CO.  
4240 RIDER TRAIL NORTH  
EARTH CITY, MISSOURI 63045

ASSIGNEE:

FULLYEAR-BROTHER ENTERPRISE CO.,  
LTD  
NO. 41-21, KUAN-TSUI STREET  
HSIA-NIEN TSUN, FU-HSING HSIANG,  
CHANGHU  
TAIWAN

016359/0941 PAGE 2

ASSIGNEE:

YU, CHUN TE  
NO. 41-21, KUAN-TSUI STREET  
HSIA-NIEN TSUN, FU-HSING HSIANG,  
CHANGHU  
TAIWAN

SERIAL NUMBER: 60443331

FILING DATE: 01/29/2003

PATENT NUMBER:

ISSUE DATE:

TITLE: DIAL LOCK WITH IMPROVED COMBINATION RESET

PAULA MCCRAY, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

PATENT ASSIGNMENT

Electronic Version v1.1  
 Stylesheet Version v1.1

08/05/2005  
 500043590

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT
CONVEYING PARTY DATA	
Name	Execution Date
Cory Nykoluk	07/14/2005
RECEIVING PARTY DATA	
Name:	CERF BROS. BAG CO.
Street Address:	4240 Rider Trail North
City:	Earth City
State/Country:	MISSOURI
Postal Code:	63045
Name:	FULLYEAR-BROTHER ENTERPRISE CO., LTD
Street Address:	No. 41-21, Kuan-Tsui Street
City:	Hsia-Nien Tsun, Fu-Hsing Hsiang, Changhu
State/Country:	TAIWAN
Name:	CHUN TE YU
Street Address:	No. 41-21, Kuan-Tsui Street
City:	Hsia-Nien Tsun, Fu-Hsing Hsiang, Changhu
State/Country:	TAIWAN
PROPERTY NUMBERS Total: 1	
Property Type	Number
Application Number:	60443331
CORRESPONDENCE DATA	
Fax Number:	(949)251-1588
Correspondence will be sent via US Mail when the fax attempt is unsuccessful.	
Email:	cchwu@wclawyers.com
Correspondent Name:	Charles C.H. Wu
Address Line 1:	98 Discovery

OP \$40.00 60443331

Address Line 4: Irvine, CALIFORNIA 92618-3105	
NAME OF SUBMITTER:	Charles C.H. Wu
Total Attachments: 2 source=Assignment#page1.tif source=Assignment#page2.tif	

**CERTIFICATE UNDER C.F.R. §§ 1.8(a), 1.10\*, and 1.6**

I hereby certify that on the date shown below, this correspondence is being:

**MAILING**

☐ deposited with the United States Postal Service in an envelope addressed to:

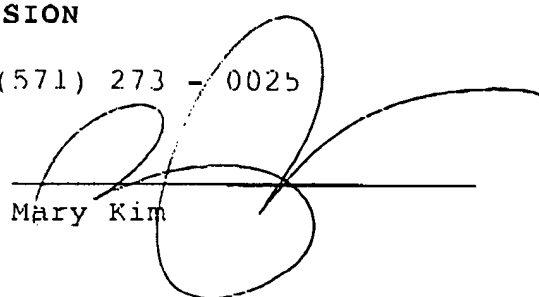
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

☐ 37 CFR 1.8(a)  
with sufficient postage as first class mail.  
☐ 37 CFR 1.10  
as "Express Mail Post Office to Addressee"  
Mailing label no.:

**TRANSMISSION**

☒ 37 CFR 1.6  
transmitted by facsimile to: (571) 273 - 0025

Date: December 14, 2005

  
\_\_\_\_\_  
Mary Kim